

**ADDENDUM
TO THE
SANTA MONICA MOUNTAINS NORTH AREA
COMMUNITY STANDARDS DISTRICT
NEGATIVE DECLARATION
AND
INITIAL STUDY**

**SANTA MONICA MOUNTAINS NORTH AREA
COMMUNITY STANDARDS DISTRICT AMENDMENT**

Local-Serving Businesses Ordinance

Los Angeles County Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

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1.0 INTRODUCTION

Pursuant to the provisions of the California Environmental Quality Act (CEQA) and CEQA Guidelines, Los Angeles County is the Lead Agency, and is charged with the responsibility of deciding whether or not to approve the proposed project, a local-serving businesses ordinance, which is an amendment to the Santa Monica Mountains North Area Community Standards District to allow local-serving uses, buildings, and structures that were lawfully established and in compliance with all applicable ordinances and laws prior to the adoption of the zone changes associated with implementation of the Santa Monica Mountains North Area Plan, which became nonconforming as a result of the adoption of Ordinance 2002-0062Z, to continue as long as the use does not change. This document evaluates the potential environmental effects of the proposed Local-Serving Businesses Ordinance, and determines the appropriate form of environmental documentation pursuant to the California Environmental Quality Act.

1.1 BACKGROUND

The Santa Monica Mountains North Area Plan (Plan) was adopted on October 24, 2000 to provide a more focused policy for the regulation of development within the unincorporated area of the Santa Monica Mountains north of the coastal zone.

The Plan directed the Department of Regional Planning to prepare a zoning consistency program and community standards district (CSD) to implement the Plan. Zone changes were made to ensure that zoning was consistent with the adopted plan, per the requirements of California Government Code Section 65860.

Recently, it was discovered that zone changes that took place with the adoption of Ordinance 2002-0062Z inadvertently caused a lawfully-established local-serving business to become nonconforming. In order to ensure that local-serving businesses are able to continue to serve residents during emergencies and other times, on May 30, 2006 the Los Angeles County Board of Supervisors instructed the Acting Director of Planning to carry out the following activities:

1. To review the impact of the Santa Monica Mountains North Area Plan on local-serving professional, repair and maintenance services;
2. To recommend appropriate zoning actions to allow these essential local-serving businesses to continue and expand; and
3. To ensure that the uses are compatible with the surrounding community.

The proposed ordinance will amend the CSD to allow such local-serving business uses, buildings, and structures to continue.

1.1.1 Santa Monica Mountains North Area Plan and the Santa Monica Mountains North Area Community Standards District

The Santa Monica Mountains North Area Plan contains goals and policies to guide the regulation of development within the unincorporated area of the Santa Monica Mountains North Area. The North Area Plan refines the policies of the County-wide General Plan as it applies to the North Area.

The Community Standards District is a means of implementing the goals and policies of the Plan in a manner that protects the health, safety, and welfare of the community, especially the surrounding natural environment. The CSD includes community-wide development standards intended to preserve the area's natural environment and ensure that new development is compatible with the existing communities. These standards address issues that affect the entire North Area and serve to provide continuity and uniformity throughout the community.

1.1.2 Previous Environmental Documentation

The Los Angeles County Board of Supervisors adopted the Final Negative Declaration (Neg Dec) for the Santa Monica Mountains North Area CSD on October 23, 2001. The Neg Dec determined that development allowed pursuant to the CSD would have no adverse impacts because the CSD set forth development standards intended to protect the natural environment. Based on the Initial Study for the CSD, it was determined that the project would not have a significant effect on the environment.

1.2 PURPOSE AND SCOPE

Pursuant to CEQA, the CEQA Guidelines, and the County's Environmental Document Reporting Procedures and Guidelines, an Initial Study has been prepared in order to determine whether amending the Santa Monica Mountains North Area Community Standards District to adopt the Local-Serving Businesses Ordinance would result in significant new or substantially more severe environmental impacts than were addressed in the Negative Declaration for the CSD that would require the preparation of a subsequent or supplemental environmental impact report (EIR) or negative declaration.

This Initial Study includes an analysis of the provisions of Section 15162 and Section 15164 of the State CEQA Guidelines. The Initial Study examines whether the Negative Declaration adequately addresses the impacts associated with implementation of the proposed amendment.

1.2.1 Use of an Addendum to a Previously-Adopted Negative Declaration

Section 15164 of the CEQA Guidelines states that an addendum to an EIR or negative declaration shall be prepared "if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Subdivisions (a) and (b) of Section 15162 of the CEQA Guidelines identify

the conditions that require preparation of a subsequent EIR. According to CEQA Guidelines Section 15162 (a), a proposed change in a project will require preparation of a subsequent EIR or negative declaration if:

1. *The change in the project is substantial.* Substantial changes in the project are those that would require “major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects.”
2. *The circumstances under which the project is undertaken have substantially changed.* Substantial changes in the circumstances under which the project is being undertaken are defined as those that would “require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.”
3. *New information of substantial importance, which was not known and could not have been known, with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
 - A. “The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - D. Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

Per CEQA Guidelines Section 15162 (b), “if changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under *subdivision* (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.”

If none of the conditions set forth in CEQA Guidelines Section 15162 subdivisions (a) or (b) have occurred, the County may require preparation of a subsequent Negative Declaration, or an Addendum to a previously adopted Negative Declaration if only minor technical changes or additions are necessary, or the County may decide that no further environmental documentation is necessary.

This Initial Study relies on use of an Environmental Checklist Form (Form), as suggested in Section 15063 (d) (3) of the CEQA Guidelines. The Form is used:

- To evaluate whether or not there are any new or more severe significant environmental effects associated with implementation of the proposed project; and
- To review whether there is new information or circumstances that would require preparation of additional environmental documentation or if an addendum is appropriate.

Section 3.0 of this document contains the Checklist Form and explains the basis for each response to the questions on the Form.

1.3 FINDINGS AND CONCLUSIONS OF THE INITIAL STUDY

The project description contained in Chapter 2.0 of the Initial Study and each of the issues contained in the checklist presented in Section 3.0 of this document have been evaluated. Based on CEQA Guidelines, the County determined that an addendum to the Neg Dec for the Santa Monica Mountains North Area CSD would be the appropriate CEQA document. With only minor changes, the Initial Study addresses the impacts associated with the proposed ordinance. The only impacts that were found to result from the proposed ordinance were identified as less than significant in the Initial Study. In addition, it was found that the impacts of the proposed ordinance would be no more severe than was found in the Initial Study. Based on this analysis and the information contained herein, there is no evidence that the proposed project requires the preparation of a subsequent Neg Dec or environmental impact report.

1.4 EXISTING DOCUMENTS TO BE INCORPORATED BY REFERENCE

Section 15150 of the CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data.

The documents outlined in this section are hereby incorporated by reference – and the pertinent material is summarized throughout this Initial Study/Addendum – where that information is relevant to the analysis of impacts of the project. All documents incorporated by reference are available for review at the Los Angeles County Department of Regional Planning.

- Negative Declaration for the Santa Monica Mountains North Area Community Standards District, adopted October 23, 2001.

1.5 CONTACT PERSON

The Lead Agency for the Initial Study for the amendment is Los Angeles County. Any questions about the preparation of this Initial Study, its assumptions, or its conclusions should be referred to the following:

Gina M. Natoli, AICP
Los Angeles County Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012
(213) 974-642

2.0 PROJECT DESCRIPTION

2.1 INTRODUCTION

The proposed Ordinance amends the Santa Monica Mountains North Area Community Standards District to address the existence of lawfully-established local-serving businesses that were inadvertently made nonconforming with the adoption of Ordinance 2002-0062Z. The amendment will apply only to those local-serving businesses that were lawfully established and in compliance with all applicable ordinances and laws prior to September 19, 2002, as long as the use does not change. The provision is intended to ensure that local-serving businesses are in close proximity to their customers during emergencies and other times.

The proposed project requires the following approval by Los Angeles County:

- Adoption of an ordinance amending the Santa Monica Mountains North Area Community Standards District to allow local-serving business uses, buildings, and structures that were lawfully established and in compliance with all applicable ordinances and laws prior to the adoption of zone changes associated with implementation of the North Area Plan, which became nonconforming as a result of the adoption of Ordinance 2002-0062Z, to continue as long as the use does not change.

2.2 PROJECT LOCATION AND SETTING

2.2.1 Location

The area covered by the North Area Plan is located approximately 27 miles west of downtown Los Angeles between Ventura County on the north and west, the City of Los Angeles on the east, and the coastal zone on the South, excluding the cities of Westlake Village, Agoura Hills, Calabasas and Hidden Hills. The parcels potentially affected by the proposed amendment are scattered throughout the area, with concentrations along Mulholland Highway at the intersections with Cornell Road, Troutdale Drive, and Cornell School Road; Topanga Canyon Boulevard between Santa Maria Road and

Cheney Drive; the intersection of Las Virgenes Road and Brittany Court; the intersection of Agoura Road and Liberty Canyon Road; and north of the Ventura Freeway (US-101) west of Parkway Calabasas.

2.2.2 Physical Features

The topography of the parcels potentially affected by this amendment consists mainly of relatively flat lands, with some rolling and moderately steep hills. No perennial streams run through the parcels potentially affected by the amendment.

2.2.3 Characteristics of Existing land Uses Within Unincorporated Area

The existing land uses of the subject properties include Rural Residential, Mountain Lands, and Commercial. These land use categories generally consist of low-density single-family detached housing in rural areas; rolling hillside areas, steep slopes, and isolated mountain lands; and general shopping and commercial areas that serve the needs of residents, workers, highway users, and tourists.

2.2.4 Characteristics of Existing Land Uses Within Adjacent Communities

The parcels potentially affected by this amendment are located throughout the area covered by the Plan. The existing uses of the surrounding properties vary, but can generally be categorized as follows:

- Mainly undeveloped open spaces, including publicly-owned lands,
- Hillside and mountain areas with limited residential and commercial development,
- Low-density single-family residential and some rural residential areas,
- Areas for general shopping and commercial services, and
- Areas designated to provide for major transportation facilities.

2.3 ORDINANCE DESCRIPTION

2.3.1 Specific Provisions of the Proposed Ordinance

As previously stated, the proposed project consists of an amendment to the Santa Monica Mountains North Area Community Standards District to allow local-serving business uses, buildings, and structures that were lawfully established and in compliance with all applicable ordinances and laws prior to the adoption of the zone changes associated with implementation of the North Area Plan, which became nonconforming as a result of the adoption of Ordinance 2002-0062Z, to continue as long as the use does not change. The proposed Ordinance would add the following provision to the CSD:

- *Local-serving businesses and associated structures that were lawfully established and in compliance with all applicable ordinances and laws prior to September 19, 2002, and which became nonconforming as a result of the adoption of Ordinance 2002-0062Z, are not subject to the provisions of Part 10*

of Chapter 22.56. Such uses, buildings, and structures may continue as long as the use does not change. If the use is discontinued for a period of two years or more, any new use on the parcel will then become subject to the provisions of Part 10 of Chapter 22.56 and must conform to the North Area Plan land use category and designated zoning.

The proposed ordinance would not authorize additional uses or a change in use. It only applies to those businesses that were inadvertently made nonconforming with the adoption of Ordinance 2002-0062Z. These uses, buildings, and structures are only considered conforming if the use does not change.

- *A conditional use permit shall be required for any extension, expansion, or enlargement of the area of land, or the area within a building or structure requiring a building permit; alteration, enlargement of, or addition to a building or structure requiring a building permit; or addition of land, buildings or structures used in conjunction with the use, building, or structure. In addition to the information required by Section 22.56.030, the applicant must provide proof that the business use or structure was lawfully established prior to September 19, 2002.*

Lawfully-established local-serving businesses are allowed to continue as long as the use does not change. Business owners are allowed to expand their use, building, or structure, however, any such action requires the approval of a conditional use permit. Applicants for such permits must prove the business was lawfully established prior to the adoption of Ordinance 2002-0062Z.

- *In addition to the information required by Section 22.56.040, the applicant shall substantiate that the proposed expansion is consistent with the goals and policies of the Santa Monica Mountains North Area Plan and that it is a local-serving use that is compatible with surrounding land uses.*

The proposed ordinance will require that applicants for conditional use permits substantiate that the expansion of the use, building, or structure is consistent with the goals and policies of the Plan and is a local-serving business use that is compatible with surrounding land uses.

2.3.2 General Effects of the Proposed Ordinance

The proposed ordinance will apply to parcels throughout the North Area where a local-serving business was lawfully established and in compliance with all applicable ordinances and laws, and which was inadvertently made nonconforming with the adoption of Ordinance 2002-0062Z. The proposed ordinance does not modify any of the land use designations or zoning boundaries set forth in the Santa Monica Mountains North Area Plan. Therefore, the proposed ordinance does not modify or affect the type or mix of planned land uses that are allowed to develop pursuant to the North Area Plan and CSD. Additionally, the proposed ordinance does not authorize any changes in existing

uses or any intensification of new development where none was previously authorized. It only restores lawfully-established, existing uses that were inadvertently made nonconforming to conforming status. It also requires a conditional use permit for any extension, expansion, or enlargement of the area of land, or the area within a building or structure requiring a building permit; alteration, enlargement of, or addition to a building or structure requiring a building permit; or addition of land, buildings, or structures used in conjunction with the use, building, or structure. This is meant to ensure that certain changes to the business use or structure(s) made conforming by the amendment are consistent with the goals and policies of the Plan and are compatible with surrounding land uses. Pursuant to CEQA Guidelines Section 15162, the amendment therefore qualifies as a minor change.

3.0 INITIAL STUDY

3.1 ENVIRONMENTAL CHECKLIST FORM

The following pages contain the Environmental Checklist Form (Form) for the proposed project. The Form is marked with findings as to the environmental effects of the project. A checked box (■) in one of the first four columns indicates the need to prepare additional environmental analysis in the form of a supplemental or subsequent EIR. If all of the checked boxes fall in the last two columns, preparation of a mitigated negative declaration, a negative declaration, or an addendum will be required.

As explained in Section 1.0, this analysis has been undertaken, pursuant to the provisions of CEQA, to provide the factual basis for determining, based on the information available, the form of environmental documentation the project warrants. The basis for each of the findings listed in the attached Form is explained in the text following the checklist.